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Attorneys for Plaintiffs,
CHRIS W. & JENNIFER W.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CHRIS W. & JENNIFER W.

Case No. 3:22-cv-00428-HZ

Plaintiffs,

v.

PROVIDENCE HEALTH PLAN; STATE OF
OREGON PUBLIC EMPLOYEES BENEFIT
BOARD PLAN; THE INTEL
CORPORATION HEALTH AND WELFARE
BENEFIT PLAN; BLUE CROSS OF
CALIFORNIA dba ANTHEM BLUE CROSS;
and DOES 1 through 10,

Defendants.

**STIPULATION AND [PROPOSED]
ORDER ALLOWING PLAINTIFF TO
FILE THIRD AMENDED COMPLAINT**

CERTIFICATION PURSUANT TO LR 7-1

The undersigned, David M. Lilienstein, hereby certifies that he telephonically conferred with Nancy Pridgen, counsel for Defendants the Intel Corporation Health and Welfare Benefit Plan (“Anthem Plan”) and Blue Cross of California dba Anthem Blue Cross (“Anthem”) and Medora Marisseau, counsel for Defendant Providence Health Plan (“PHP”) regarding this Motion and that Ms. Pridgen and Ms. Marisseau advised that neither the Anthem Plan, Anthem, nor PHP opposes Plaintiff’s Motion.

RELIEF REQUESTED

Through their counsel, Plaintiffs Chris W. and Jennifer W. hereby move pursuant to Fed. R. Civ. Pro. 15(a)(2) for an Order granting them leave to file the proposed Third Amended Complaint, attached to this Motion as Exhibit A.

STIPULATION

WHEREAS on August 25, 2022, Plaintiffs filed their Second Amended Complaint (“SAC”). (Dkt. No. 77.); and

WHEREAS on page 11, paragraph 76, Plaintiffs made the following typographical error:

76. In the absence of a reasonable basis for doing so, and with full knowledge and/or conscious disregard of the consequences, Providence failed and refused to provide Plaintiffs the benefits promised under the Policy, under the laws of **California.**; and

WHEREAS the sentence should read:

76. In the absence of a reasonable basis for doing so, and with full knowledge and/or conscious disregard of the consequences, Providence failed and refused to provide Plaintiffs the benefits promised under the Policy, under the laws of **Oregon.**; and

WHEREAS also on page 11, paragraph 90, Plaintiffs made the additional typographical error:

90. Failing to consider the requirements of **the California Mental Health Parity Act, as well as** the Mental Health Parity and Addictions Equity Act of 2008 (“MHPAEA”), which alone provided a basis for overturning Providence’s claim denial(s) at issue herein; and

WHEREAS the sentence should read:

90. Failing to consider the requirements of the Mental Health Parity and Addictions Equity Act of 2008 (“MHPAEA”), which alone provided a basis for overturning Providence’s claim denial(s) at issue herein; and

WHEREAS Plaintiffs seek to file their Third Amended Complaint which only corrects the above typographical errors; and

WHEREAS Plaintiffs have telephonically met and conferred pursuant to LR 7-1 with Defendants; and

WHEREAS the Parties agree and stipulate that good cause exists to grant Plaintiffs’ leave to file the proposed Third Amended Complaint because it will avoid confusion, and unnecessary use of attorney and judicial resources; and

WHEREAS a copy of Plaintiffs’ proposed Third Amended Complaint is attached hereto as Exhibit A; and

IT IS HEREBY STIPULATED, by and between the Parties, by and through their respective counsel, that:

1. Plaintiffs should be granted leave to amend to file their Third Amended Complaint, a copy of which is attached hereto as Exhibit A.
2. Defendants’ responsive pleading shall be due thirty (30) days after the Third Amended Complaint is filed.

Dated: October 12, 2022

Respectfully submitted,
DL LAW GROUP

By: s/ David M. Lilienstein
David M. Lilienstein
Katie J. Spielman

Megan E. Glor, Attorneys at Law, PC

Dated: October 12, 2022

s/ Megan E. Glor
Megan E. Glor, OSB No. 930178
Megan E. Glor, Attorneys at Law
Telephone: (503) 223-7400

Attorneys for Plaintiffs, Chris W. and Jennifer

Dated: October 12, 2022

PRIDGEN BASSETT LAW

By: s/ Nancy B. Pridgen
Nancy B. Pridgen
Attorneys for Defendants, Anthem Blue Cross of California
dba Anthem Blue Cross, and Intel Corp. Health Plan

Dated: October 12, 2022

KARR TUTTLE CAMPBELL

By: s/ Medora A. Marisseau
Medora A. Marisseau
Attorneys for Defendant Providence Health Plan

Pursuant to Stipulation, **IT IS SO ORDERED.**

Dated: _____

Hon. Marco A. Hernandez